

c) Remarks

The claims are 1 and 9-18, with claims 1 and 9-13, being independent. The claims have been amended to more specifically define the intended invention and reconsideration is expressly requested.

In order to remove a possible double patenting objection based on copending Application No. 10/525,198 the independent claims have been amended to provide that the recited substituents of the groups listed in the Markush grouping for X₃ do not include amino. Support is found, *inter alia*, on page 12, line 13 to page 13, line 6. It will be noted that a triphenylamino group is listed. Where a specific group is listed, then it may be excluded from a Markush grouping. Under MPEP section 2173.05(i) where alternative elements are recited in the specification, they may be explicitly excluded in the claims. It is said that the specification, having described the whole, necessarily describes the part remaining.

Former claims 3-7 have been cancelled and have been replaced with new independent claims 9-13, as requested. Former claim 2 has been cancelled without prejudice or disclaimer. Likewise, claim 8, which depended on claim 2, has been cancelled.

New claims 14-18 employ the subject matter of claim 8 and depend from new claims 9-13, respectively.

Since claims 9-13 correspond to allowable claims 3-7, then they are now in condition for allowance. New claims 14-18 depend from allowable claims and, therefore, such claims are likewise, allowable.

Claim 1 has been amended to delete from X₃ the groups hydrogen and halogen. The substituents of the listed groups for X₃ do not include substituted or unsubstituted amino groups. Claim 1 was rejected as anticipated by the references listed by the Examiner in the outstanding office action. It is believed that the present amendments to claim 1 now render them free of the cited art.

Accordingly it is respectfully requested that the claims be allowed and that the case be passed to issue.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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